

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

FROYLAN CEBALLOS

Defendant.

8:02CR312

ORDER

This matter is before the Court on defendant's motion for reconsideration of his motion for free copies his arrest warrant, indictment and the docket sheet, [Filing No. 267](#). The Clerk of Court denied his request based on lack of payment. [Filing No. 264](#). The Court denied his motion, noting that the defendant has nothing pending in this court. On May 26, 2016, the Court denied his motion to vacate, set aside or correct his sentence under [28 U.S.C. § 2255](#). [Filing No. 260](#), Memorandum and Order. The Supreme Court's decision in [Johnson v. United States](#), [135 S. Ct. 2551 \(2015\)](#), has no application to the defendant's case since he was not sentenced under the Armed Career Criminal Act. *Id.* Also, pursuant to a stipulation, defendant has already received the benefit of the retroactive amendment to the United States Sentencing Guidelines that reduced offense levels assigned in the Drug Quantity Table by two levels, and his sentence was reduced to 262 months. See [Filing No. 242](#), Stipulation; [Filing No. 244](#), Order. The Court has reconsidered the defendant's motion for copies without payment of fees and again finds it should be denied.

THEREFORE, IT IS ORDERED THAT defendant's motion for reconsideration ([Filing No. 267](#)) is denied.

Dated this 29th day of May, 2020.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge